

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CHAPTER 13
: CASE NO. 21-50844-PMB
SYLVESTER JAMAIL LARKINS, :
: Debtor. :
: :
:

OBJECTION TO CONFIRMATION BY CHAPTER 7 TRUSTEE

COMES NOW S. Gregory Hays, as Chapter 7 Trustee for the bankruptcy estate of Ascension Air Management, Inc. (“**Trustee**”), a creditor and party in interest, and objects to confirmation of Debtor’s Chapter 13 Plan (the “**Objection**”). In support of the Objection, Trustee respectfully shows as follows:

General Background

1. On February 10, 2020, Ascension Air Management, Inc. (“**Ascension**”) filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code, in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division, and initiated case number 20-62473-PMB.

2. Shortly thereafter, Trustee was appointed the duly acting Chapter 7 trustee in Ascension’s bankruptcy case, and he remains in that role. Trustee is the sole representative of Ascension’s bankruptcy estate. 11 U.S.C. § 323 (2020).

3. Sylvester Jamail Larkin (“**Debtor**”) was Ascension’s CEO and one of its owners.

4. On February 1, 2021, Debtor filed a voluntary petition in the instant matter. Debtor did not give Trustee notice of his Chapter 13 case.

5. Trustee asserts a claim against Debtor on behalf of the bankruptcy estate of Ascension.

6. On March 24, 2021, the Chapter 13 Trustee objected to the confirmation of Debtor's Chapter 13 plan (the "**Chapter 13 Trustee's Objection**"). [Doc. No. 16].

Objection and Basis for Same

7. For all those reasons set out in the Chapter 13 Trustee's Objection, Trustee objects to confirmation of Debtor's Chapter 13 Plan.

8. Trustee reserves the right to amend and supplement this objection based on facts and information to be gathered.

WHEREFORE, Trustee respectfully prays that the Court:

- (a) Inquire into the above objection;
- (b) Deny confirmation of Debtor's Chapter 13 Plan; and
- (c) Grant such other and further relief as may be just and proper.

Respectfully submitted this 1st day of April, 2021.

ARNALL GOLDEN GREGORY LLP
Attorneys for Chapter 7 Trustee

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By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709
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CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned caused to be served a true and correct copy of the forgoing **OBJECTION TO CONFIRMATION BY CHAPTER 7 TRUSTEE** by depositing copies of same into the United States mail on the date set forth above, with adequate postage affixed thereto to assure delivery by regular first class mail to the following entities at the addresses stated:

Office of the United States Trustee
362 Richard B. Russell Bldg.
75 Ted Turner Drive, SW
Atlanta, GA 30303

Matthew Thomas Berry
Matthew T. Berry & Associates
Suite 600
2751 Buford Highway, NE
Atlanta, GA 30324

Sylvester Jamail Larkins
2447 Field Way NE
Atlanta, GA 30319

Melissa J. Davey
Melissa J. Davey, Standing Ch 13 Trustee
Suite 200
260 Peachtree Street, NW
Atlanta, GA 30303

This 1st day of April, 2021.

By:/s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709